

ARTICLE APPEARED  
ON PAGE 2-AWASHINGTON TIMES  
27 September 1985

# Nuclear warning system report demanded by panel

By Walter Andrews  
THE WASHINGTON TIMES

Congress appeared to be setting the stage yesterday for a rare legal battle with the Reagan administration over executive privilege — in this case the Pentagon's right to keep legislators from seeing highly secret military information.

Jack Brooks, chairman of the House Government Operations subcommittee on National Security, said Congress is considering taking legal action to force the administration to give it a Pentagon report on emergency warning and communications during a nuclear attack.

"This is a dangerous precedent, which I don't believe we can tolerate," the chairman said during a hearing yesterday on the adequacy of the satellite and ground radar network for emergency warning and communications.

"Unless Secretary Weinberger can make some accommodation for the House to see the study, I hope to move in our next subcommittee meeting to force him to do so," Mr. Brooks said.

Testifying before the subcommittee, Assistant Secretary of Defense for Communications and Intelligence Donald C. Latham indicated the Pentagon would not back down from a legal battle. "We'll make a lot of lawyers rich on this one," the assistant secretary replied.

"There is material in there that is extremely sensitive ... and somehow it got into that report," Mr. Latham said, referring to the nearly completed report by the Office of Technology Assessment, a non-partisan agency that does analysis for Congress.

The assistant secretary said the report contains "critical operations information" that lays out how the president and other senior government officials would make decisions during a nuclear crisis. The data withheld "has nothing to do" with how good the nation's nuclear warning and communications system is, the official said.

In a letter to Mr. Brooks rejecting the congressional request, Mr. Weinberger said Wednesday that the controversial data from the Pentagon's highly secret Single Integrated Operations Plan [SIOP] "is too sensitive to appear in any external study, survey or report." SIOP is considered so sensitive that

only a few Pentagon officials are allowed to see it.

"Consequently, we regret the department cannot release the unabridged OTA report," Mr. Weinberger said. A copy of the letter was obtained by The Washington Times.

Out of the 220-page report, the Pentagon removed only eight pages of text and 15 charts, which contained sensitive SIOP information, the defense secretary said.

"I find this very disturbing," Mr. Brooks said. "In my ... 33 years in Congress, I've never run into a situation where the Department of Defense has attempted to control access by members of Congress to a study done for Congress."

The House's assistant general counsel, Charles Tiefer, testified that legal precedence shows "there is no viable claim of executive privilege" unless authorized by the president. No such presidential authorization accompanied the Weinberger letter, he noted.

After two prolonged executive privilege fights authorized by the president, Congress eventually got the information it wanted, Mr. Tiefer recalled.

One involved former Environmental Protection Agency Administrator Anne M. Gorsuch, now Anne Burford, and former Interior Secretary James G. Watt.

In his testimony, Assistant Secretary Latham said Bruce G. Blair, a former member of the OTA study team, had "somehow ... got hold of the [SIOP] information." After leaving OTA, Mr. Blair in February joined the Defense Communications Agency, where he held a top secret security clearance.

The DCA tour ended after five months, when Mr. Blair indicated in an interview that he was forced to leave his engineering job in July, shortly after he published his book "Strategic Command and Control." The book criticized the nation's emergency warning and assessment network.

He and Daniel Ford, the author of another recent book critical of the network, "The Button," testified before the subcommittee on its shortcomings, including lack of protection against terrorist sabotage, obsolete computers and other equipment, lack of adequate testing and lack of backup systems in case the primary warning and communications links are knocked out.

Mr. Latham accused the authors of being inaccurate and making "a number of cheap shots."